

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.33697 of 2018
Date of Decision: 05.12.2018

Kulwinder Kaur @ Glabo and others

..... Petitioners

versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ritesh Pandey, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Ranjit Singh, Advocate
for respondent No.2.

MAHABIR SINGH SINDHU J. (ORAL)

Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.23 dated 19.03.2017 (**Annexure P-1**), under Sections 452, 323, 34 of the Indian Penal Code, registered at Police Station Sadar Gurdaspur along with all subsequent proceedings arising therefrom on the basis of compromise (**Annexure P-2**) entered into between the parties i.e. petitioners as well as respondent No.2.

This Court, on 01.11.2018, passed the following order:-

“Mr. Manoj Kumar Sharma, Advocate has appeared on behalf of respondent No.2 and filed his memorandum of appearance. He undertook to file the vakalatnama in the Registry.

Learned counsel for the parties jointly stated that the matter has been compromised between the parties

and they are ready to get their statements recorded before the learned trial Court.

*In view of the aforesaid statement, parties are directed to appear before the Court of Illaqa Magistrate/trial Court on **20.11.2018** to get their statements recorded with regard to compromise/settlement. The Illaqa Magistrate/trial Court is directed to submit a report to this Court on or before the next date of hearing containing the following information:-*

- i. whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner?*
- ii. whether the compromise effected between the parties is genuine and valid?*
- iii. Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?*
- iv. whether any other case is pending against either of the parties or not, if yes, the details thereof?*
- v. whether any of the persons involved in this case/dispute has been declared a proclaimed offender?*

*List before this Court on **05.12.2018** for further consideration.*

Meanwhile, learned State counsel shall get the instructions in the matter.”

In terms of abovesaid order, the statements of the parties were recorded by the learned Judicial Magistrate, Ist Class, Gurdaspur and submitted a report dated 27.11.2018. The operative part of the same reads as under:-

“It is submitted that petitioners Kulwinder Kaur @ Glabo, Kulwinder Kaur, Sarabjit Kaur @ Jeeto and respondent Manjit Kaur have appeared and made statements

on 20.11.2018 regarding compromise. They were asked to show their identity cards and photocopies of the same were taken on record (photocopies of identity cards and statements attached herewith).

It is further submitted that statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner.

It is further submitted that compromise effected between the parties is genuine and valid.

It is further submitted that all the accused, complainant and injured are party to the compromise.

It is further submitted that as per the statement of complainant, no other case is pending against either of the parties.”

A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties and the same is genuine and valid being with free consent.

Learned State Counsel, on instructions from ASI Gurnam Singh, has acknowledged the above fact and further stated that he has no objection in case the present FIR as well as all other consequential proceedings are quashed on the basis of the compromise effected between the parties. Even before this Court also, there is no objection by either of the parties in case the present FIR is quashed.

In view of above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public peace or tranquillity and thus quashing of FIR in question along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice. Consequently, the present petition is allowed and the FIR No.23 dated 19.03.2017 (**Annexure P-1**),

under Sections 452, 323, 34 of the Indian Penal Code, registered at Police Station Sadar Gurdaspur along with all consequential proceedings resulting therefrom are quashed qua the petitioners.

(MAHABIR SINGH SINDHU)
JUDGE

05.12.2018
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No